

Appl. No. 10/607,645
Atty. Docket No. 6269RDC
Amdt. dated 3/16/06
Reply to Office Action of 1/25/06
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1-10 and 12-22 remain in the application. Claim 11 has been cancelled as redundant, in view of Claim 10, thereby reducing the matters at issue. Claims 12 and 13 now depend from Claims 10 and 12, respectively.

Formal Matters

For the record, there are no objections or rejections under 35 USC 112 outstanding.

Rejections Under 35 USC 102(b)

Claims 1, 7, 8, 14 and 22 stand Finally rejected over U.S. 5,090,832, for reasons of record at pages 2-3 of the Office Action.

Applicants must again respectfully traverse the rejections on this basis.

To summarize: Claim 1 herein recites that the cleaning pad's absorbent layer is positioned between the scrubbing layer and the attachment layer. Claim 1 also recites the absorbent layer as being in direct fluid communication with the scrubbing layer. All claims depending from Claim 1 carry these same defining elements. Claim 8 depends from Claim 1, and it, along with its dependent claims, thereby carry the same defining elements of the cleaning pad. As discussed below, these features are not taught or suggested by the '832 patent. Moreover, it is again noted that the assembly and the mode of operation of the pad of '832 are both entirely different from the pad of the present invention.

Quite frankly, the case comes down to this: The '832 patent teaches a pad comprising layers which are assembled such that there is no fluid flow between the scrubber layer and the absorbent (blotter) layer. In sharp contrast, the pads herein require fluid communication between the scrubbing layer and the absorbent layer.

The Examiner has rejected the present invention on the basis of: "See entire ['832] document, especially column 2, lines 57-58; column 6, line 53 – column 7, line 8, Fig. 6, Fig. 12, Fig. 20 and column 9, lines 10-30, column 9, line 45 – column 10, line 15." These points will be dealt with *seriatim*.

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Entire document: The '832 patent discloses a cleaning pad comprising, *inter alia*, a scrubber layer, a liquid impervious sheet covering the rear surface of the scrubber layer, and a blotter layer of absorbent material extending over the sheet on a side opposite the scrubber layer. (Abstract)

Given that '832 arrangement of scrubber layer having a liquid impervious sheet backing which separates the scrubber layer from the blotter layer, the direct fluid communication between the scrubbing layer and the absorbent layer required in the present invention would be impossible to achieve.

This point is emphasized and made abundantly clear at '832, column 1, lines 35-37, which states: The pad has a liquid impervious sheet covering the rear surface of the scrubber layer; and further at column 1, lines 6-8, which states: A feature of the invention is that the liquid impervious sheet protects the blotter layer from getting wet while using the scrubber layer. [emphasis supplied]

As has been stressed in the previous responsive amendments, in sharp contrast with '832, the scrubbing layer herein is in direct fluid communication with the absorbent layer.

Column 2, lines 57-58: This simply recites the "no-rinse" feature of the '832 invention, involving use of the pad discussed above. It says nothing about overall pad construction.

Column 6, line 53 – column 7, line 8: This discloses that the blotter layer of the pad discussed above can comprise a core which contains a superabsorbent. Overall pad construction is not mentioned.

Fig. 6: This Fig. (discussed at column 6, line 43 – column 7, line 8) depicts a preferred blotter layer/core structure of the pad discussed above. Overall pad construction is not mentioned.

Fig. 12: This Fig. shows a loop structure used in one embodiment of the pad for use in conjunction with mop 96 (discussed at column 8, beginning line 30). Here, overall pad construction is shown. However, note that the pad depicted in Fig. 12 clearly shows liquid impervious sheet 26 as being intermediate blotter layer 24 and scrubber layer 22. Given this clear-cut demonstration of the impossibility of the scrubbing layer being in

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direct fluid communication with the absorbent layer, it must be respectfully submitted that Fig. 12 cannot support a rejection under §102.

Fig. 20 and column 9, lines 10-30: Again, the description recites the pad 20 having the blotter layer 24, scrubber layer 22 and the impervious sheet 26. In this embodiment a pouch 50 carries cleaning materials. Again, there is no fluid communication between the scrubber layer and the absorbent layer.

Column 9, line 45 – column 10, line 15: This disclosure relates to the use of the disclosed '832 pad. It is submitted that, once again, this disclosure actually underscores the difference between the pad of '832 and the present invention.

Notice how the usage instructions, in '832 require the pad to be inverted (column 9, line 52 and line 67) or the scrubber layer to be removed from the surface (column 10, line 11) to allow wiping the cleaned surface with the blotter layer.

It is submitted that this disclosure is conclusive evidence that the scrubber layer of the '832 pad is not in fluid communication with the blotter layer. If it were, what reason would there be to invert the pad?

In making the rejections the Examiner has further stated:

The claimed sequence of the layers is shown on Figure 20 and described in Column 9, lines 10-30: As discussed above, the only representation of "impervious sheet 26" has it positioned "intermediate the scrubber layer 22 and blotter layer 24" – see column 3, line 55. **Importantly**, the cited passage at column 9 or Fig. 20 does not in any way alter the disclosed sequence of the respective scrubber/impervious sheet/absorbent components of '832 to, somehow, arrive at the scrubbing/absorbent/attachment layer sequence of the present pads.

The pad comprises a scrubbing layer 78, an absorbent layer 68, 74 (referenced together as 24) and impermeable attachment layer 26: It is respectfully submitted that the Examiner has misapprehended layer 26. As discussed above, layer 26 serves to separate (in the sense of preventing fluid flow) the scrubber and blotting layers of the '832 pad. Accordingly, it is distinctly different from the attachment layer herein, which serves to releasably affix the present pad to a cleaning implement.

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It is submitted that the foregoing comments also meet the Examiner's statements at page 3 of the Office Action. The mere fact that the pads of '832 can comprise a super-absorbent material or can be used without rinsing has no impact whatsoever regarding the layer sequence of the present pad vs. the '832 pad.

It is clear from MPEP §2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Citations omitted.) Moreover, "The identical invention must be shown in as complete detail as contained in the . . . claim." (*Ibid*; emphasis supplied)

Moreover, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ 2d 1566 (Fed. Cir. 1990).

Inasmuch as the invention herein, as set-forth in amended Claim 1, meets all requirements of §102, and since all other claims ultimately depend from Claim 1, it is requested that all rejections under §102 be reconsidered and withdrawn.

Rejections Under 35 USC 103

Claims 3-6 and 10-13 stand rejected over '832. Office Action page 4.

Claims 15-21 stand rejected over '832 in view of the state of the art assertedly "admitted by the Applicants in the specification." Office Action page 4.

Claims 2 and 9 stand rejected over '832 in view of U.S. 3,629,047. Office Action page 5.

Applicants must again respectfully traverse all of said rejections.

At the outset, it is submitted that nothing in '832, or in the combination of '832 with '047, would suggest modifying the scrubber/impervious sheet/absorbent layer structure of '832 to arrive at the scrubbing/absorbent/attachment layered structure of the present invention.

As stressed in MPEP 2143.1 (citations omitted), if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.

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As discussed above under §102, any suggestion to rearrange the scrubber/fluid impervious/absorbent layers of the cited '832 patent to arrive at the present invention would completely change the mode of operation of the '832 device.

As taught in '832, column 2, lines 6-8, the liquid impervious sheet protects the blotter from getting wet. To change the position of said sheet would change this principle of operation. At column 7, line 55, once the scrubbing is over, the pad of '832 is designed to be inverted to achieve blotting. Again, changing the position of the impervious sheet relative to the scrubber and absorbing layer would change this mode of operation, contrary to MPEP 2143.01.

Simply stated, a cleaning fluid flows through the scrubbing layer directly into the absorbent layer of the present articles. In '832 it does not. In fact, the pad of '832 is specifically designed so that such direct flow will not occur. This point has been emphasized in previous amendments without refutation by the Examiner.

With regard to Claims 15-21, previous comments regarding the other cited documents continue to apply. The point remains that nothing in their combination with '832 would suggest changing the order of the layers required by the '832 pad.

Again, as previously argued and not refuted by the Examiner, since '832 teaches away from the present invention with respect to the communication of liquid between the scrubber layer and the absorbent layer (*no*, in '832; *yes*, in the present invention.), '832 is not properly combinable with any other document to arrive at a rejection under §103. MPEP 2145 D.2.

With regard to Claims 2 and 9, the '047 document is cited with '832 to show a scrim. However, nothing therein teaches or suggests a re-ordering of the layered structure of '832 to arrive at the present pad. Indeed, as exhaustively discussed herein and in previous amendments, to do so would change the entire mode of operation of '832.

In light of the foregoing, withdrawal of all rejections under §§102 and 103 and early and favorable action on all claims is requested.

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